

II. REMARKS

A. Status

Claims 1-3, 5-8, and 11-13 were pending at the time of the last Office Action. Claims 5-8 and 11-13 are currently active for examination of which claim 11 is independent.

In the Office Action, claims 5, 7 and 8 were objected to for minor informalities. Office Action at 4. Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Id.* at 5-6. Claims 5-8 and 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nitta et al. (U.S. Patent No. 7,027,018, hereinafter “Nitta”). *Id.* at 7-12.

In this amendment, claims 5, 7, and 8 have been amended and claims 1-3 were cancelled. Care has been exercised not to introduce new matter.

B. Claim Objections Are Overcome

Claims 5, 7 and 8 were objected to for minor informalities. Office Action at 4. Claims 5, 7, and 8 have been amended for clarity. Amendment at 2-3. Withdrawal of this objection is respectfully requested.

C. Claims Do Not Lack Antecedent Basis

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Office Action at 5-6. Claims 1-3 have been cancelled, thus rendering this rejection moot. Amendment at 2.

D. Claims Are Not Anticipated

Claims 5-8 and 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nitta. Office Action at 7-12. The rejection is respectfully traversed for the following reason.

The priority date for Nitta is March 20, 2003. This patent application was filed on March 17, 2003 in Japan. Therefore, the Japanese Priority document pre-dates the cited reference. An English translation of the priority document is submitted herewith, to perfect the priority claim to the March 17, 2003 filing date. It is submitted that Nitta is not prior art of the type defined in 35 U.S.C. § 102(e). Withdrawal of this rejection is therefore respectfully requested.

III. CONCLUSION

In conclusion, Applicant respectfully submits that the claims are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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